

# PUBLIC SUBMISSION

**As of:** October 28, 2010

**Received:** October 21, 2010

**Status:** Posted

**Posted:** October 22, 2010

**Tracking No.** 80b74cc5

**Comments Due:** November 08, 2010

**Submission Type:** Web

**Docket:** EPA-R03-OW-2010-0736

Draft Chesapeake Bay Total Maximum Daily Load

**Comment On:** EPA-R03-OW-2010-0736-0001

Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

**Document:** EPA-R03-OW-2010-0736-0072

Comment submitted by William Isenberg, Virginia Commonwealth University Center for Environmental Studies

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## Submitter Information

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## General Comment

The requirement for all construction land to be subject to sediment and erosion control by a general permit disregards the fact that states like VA have these permits but have poor enforcement. Local authorities of limited resources appear unable to enforce simple installment of silt fences. If anything, there should be more funded and trained enforcement. Also, surface mining and railroad construction are EXEMPT from construction permits in VA. Including these sources and increasing enforcement of regulations will help accomplish what the construction permits seek to achieve. With regards to SAV/water clarity, I understand the complications associated with modeling and that nutrient TMDLs indirectly lower sediment TMDLs, however to make the rivers hosts to the aquatic life that frequents the area, some attention needs to be directed towards legacy sediment. The tidal resuspension of sediment clouds the water,

not only impeding SAV reestablishment and therefore perpetuating the cycle, but also smothers essential habitat, including that of the Atlantic Sturgeon and the Eastern Oyster. None of the TMDL allocations address reducing legacy sediments.

There is strategy addressing dredging effects on sediment resuspension, which is a big issue for reasons beyond further clouding the water.

In the modeling process, there was no mention of population growth and what that would do to land use changes and water demand. Especially with regard to increased water demand, the 10 year hydrologic period may be complicated if water tables yield lower than expected flow with resulting greater summer hypoxia.

The 2-year milestones may provide insight into goal attainment, but there is no mention as to how nonpoint source non-attainment will be addressed. There is no proposed way to source the nonpoint source problem areas. Monitoring 3rd order stream sub basins, normalizing to discharge\*average nutrient/sediment load would allow problem area sourcing in the non-tidal drainages.